

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHNNY D. L. LUCES,

Plaintiff,

v.

No. 1:21-cv-00268-KWR-JHR

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION
DENYING PLAINTIFF'S MOTION FOR REMAND AND AFFIRMING THE
COMMISSIONER'S DISABILITY DECISION**

Before the Court is Plaintiff Johnny D. L. Luces's Motion to Remand to Agency.

[Doc. 27]. Pursuant to 28 U.S.C. §§ 636(b)(1)(B), (b)(3), and *Virginia Beach Savings & Loan Assoc. v. Wood*, 901 F.2d 849 (10th Cir. 1990), this case was referred to Magistrate Judge Jerry H. Ritter to conduct all warranted hearings, perform necessary legal analysis, and recommend to the Court an ultimate disposition of the case. [See Doc. 23]. Judge Ritter entered his Proposed Findings and a Recommended Disposition on March 15, 2023, in which he analyzed the matters briefed by the parties and recommended that this Court deny Luces's motion. [Doc. 38]. Pursuant to 28 U.S.C. § 636(b)(1), the parties were given fourteen days to object to Judge Ritter's proposed findings, analysis, and recommended disposition. [See Doc. 23]. The deadline for objections passed and neither party objected. The Court has performed a *de novo* review of Judge Ritter's Proposed Findings and Recommended Disposition and finds no error in them.

IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 38] are **ADOPTED** by the Court; and

IT IS FURTHER ORDERED that Plaintiff's Motion to Remand to Agency [Doc. 27] is **DENIED** and the Commissioner's Final Decision is **AFFIRMED**.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE